

Battle Creek Code of Ordinances

PART FOURTEEN - BUILDING AND HOUSING CODE
TITLE FOUR - Miscellaneous Building Regulations
CHAPTER 1456 Vacant and Abandoned Structures

CHAPTER 1456

Vacant and Abandoned Structures

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1456.01 FINDINGS.

The City Commission determines that the presence of vacant and abandoned structures creates an element of neighborhood blight. It is recognized that blight lowers property values, leads to deteriorating housing conditions, undermines the quality of neighborhood life, affects the public health, safety and general welfare and can also result in human injury and criminal activities. It is also determined that vacant and unoccupied structures occupy an inordinate amount of City administrative and ordinance enforcement resources. As such, the City Commission finds the prolonged presence of vacant and abandoned structures to be unacceptable to the citizens of Battle Creek.

(Ord. 22-05. Passed 9-20-05.)

1456.02 DEFINITIONS.

As used in this chapter:

(a) "Abandoned residential structure" means any building which has been used or was intended for use as a residential dwelling, in whole or in part, including an accessory building, which has become vacant or abandoned for a period of at least twenty-eight consecutive days and which also meet at least one of the following conditions:

- (1) Is open to casual entry or trespass;
- (2) Is fire damaged to an extent which prohibits safe human occupancy;
- (3) Is the site of loitering or vagrancy;
- (4) Demonstrates a lack of property maintenance and upkeep as evidenced by one or more violations of the City Housing Code or State Construction Code;
- (5) Is under notice for being in violation of City ordinances;
- (6) Has been secured or boarded up for at least twenty-eight days;
- (7) Has taxes in arrears to the City for a period of time exceeding 365 days;
- (8) Has utilities disconnected or not in use;
- (9) Is under a condemnation notice or legal order to vacate;
- (10) Is structurally unsound; or
- (11) Is a potential hazard or danger to persons.

(b) "Accessory building" means a subordinate structure on the same premises as the main residential structure, the use of which would be naturally and normally incidental to that of the main structure, whether the main structure is an abandoned residential structure or not, such as, but not limited to, a garage, barn or storage shed.

(c) "Owner" means any person with a legal or equitable ownership interest in the structure.

(d) "Secured" means a building which has all points of entry into the structure either:

- (1) Closed by use of windows and doors which are in proper working order, intact, without holes, broken elements, and are locked; or
- (2) Are secured by exterior grade plywood in compliance with this chapter.

(Ord. 22-05. Passed 9-20-05.)

1456.03 REGISTRATION.

Owners of abandoned residential structures shall register such properties with the City and pay a monthly administration fee. The duty to register an abandoned residential structure shall not require

prior notice to the owner by the City. Registration of an abandoned residential structure does not preclude the City from taking appropriate actions to secure the property or to issue orders to repair or abate dangerous, hazardous or unlawful conditions or from acting to eliminate an imminent hazard to public health and safety.

(Ord. 22-05. Passed 9-20-05.)

1456.04 REGISTRATION INFORMATION.

(a) For each abandoned residential structure each owner shall register with the City and provide the following information on an Abandoned Residential Structure Registration Form available from the City:

- (1) The address of the abandoned residential structure;
 - (2) The legal names of all owners of the property and each owner's date of birth;
 - (3) The complete mailing address of all owners;
 - (4) Telephone numbers of each owner, including cell phone and mobile phone numbers;
 - (5) Proof of identification of each owner;
 - (6) The name, address and telephone number of any local agent or representative authorized by the owner to handle the affairs of the property;
 - (7) The reason for vacancy of the property;
 - (8) The estimated length of time the property is expected to remain vacant; and
 - (9) Any plans for restoration, reuse or removal with an accompanying timeline and work schedule.
- (b) An owner shall notify the City and file an amended form within seven days of any change in the registration information required by this section.

(Ord. 22-05. Passed 9-20-05.)

1456.05 REGISTRATION AND ADMINISTRATIVE FEE.

(a) An owner of an abandoned residential structure, whether registered or not, shall pay an abandoned residential structure registration fee and a monthly administrative fee, the amounts of which shall be established by City Commission resolution, for the time during which such structure remains an abandoned residential structure.

(b) Fees under this section shall be established to support the services rendered by the City in the course of its duties related to abandoned residential structures. Failure to register an abandoned

residential structure or pay the monthly administrative fee shall be cause for penalties to be assessed and are criminal violations of this chapter.

(c) The monthly administrative fee shall be paid so that it is received by the City on or before the seventh day of each month, following each month during which the structure was an abandoned residential structure for fifteen days or more.

(d) A late fee, in an amount to be established by the City Commission, shall also be payable by an owner of an abandoned residential structure when the monthly administrative fee is not timely paid.

(Ord. 22-05. Passed 9-20-05.)

1456.06 RECOVERY OF FEES.

If all or part of the fees required by this chapter are not paid or are overdue, the City may recover such sums by:

(a) Directing the City Assessor to add the amount due to the next tax roll of the City as a single lot assessment under these Codified Ordinances and collect said sum in the same manner as provided by law for collection of taxes and special assessments;

(b) Filing suit against the owner for entry of civil money judgment; or

(c) Any other means available by law.

(Ord. 22-05. Passed 9-20-05.)

1456.07 SECURING STRUCTURES.

(a) A City order to secure an abandoned residential property shall be complied with by the owner within seventy-two hours. If the securing has not been completed or does not comply with the requirements for securing the structure under this chapter, the City shall secure the structure and the City shall bill the owner of record for all costs incurred, including service fee and administrative costs. The amount so billed shall constitute a personal debt of the owner and may be recovered in the same manner as permitted for the recovery of fees under this chapter.

(b) Plywood boarding shall be placed over all points of entry on an abandoned residential structure such that all exterior openings suitable for animal or human entry are secured as follows:

(1) On all first story and ground assessable points of entry, such shall be secured by use of exterior grade plywood or its equivalent, of at least one-half inch thickness, cut to the size of the opening and secured by the use of Phillips headed two-inch long screws; and

(2) On entry points being secured above the first story or were not accessible from ground level, such shall be secured by use of exterior grade plywood or its equivalent of at least one-half inch thickness, cut to the size of the opening and secured by the use of 16 penny common nails.

(Ord. 22-05. Passed 9-20-05.)

1456.08 RIGHT OF ENTRY AND INSPECTION.

If the owner has failed to secure a property and it has been secured by the City, the City may enter or reenter the structure to conduct necessary inspections to insure compliance with the requirements of this chapter and to determine if there are any emergency or hazardous conditions.

(Ord. 22-05. Passed 9-20-05.)

1456.09 REUSE AND OCCUPANCY.

No abandoned residential structure shall be reoccupied until inspected and found to be in full compliance with all applicable City codes and a Certificate of Occupancy is issued by the City.

(Ord. 22-05. Passed 9-20-05.)

1456.10 RESPONSIBILITY FOR VIOLATIONS.

All nuisance, housing, building and related code violations will be cited and noticed to the owner of record and shall become the owner's responsibility to bring in compliance. If the owner sells or otherwise disposes of the property to another party, the new owner shall not be entitled to any extension of time to correct or address such violations as existed at the time of sale, transfer or conveyance of the property.

(Ord. 22-05. Passed 9-20-05.)

1456.99 PENALTY.

(a) A person who violates or fails to comply with the requirements of this chapter is guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than ninety days, or both, for each offense.

(b) In addition to any other penalty provided for in this section, this chapter may be enforced by suit for injunction, action for damages, or any equitable relief appropriate to the enforcement of this chapter.

(Ord. 22-05. Passed 9-20-05.)

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